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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,362	11/26/2003	Bo-Lennart Johansson	PU9951	6183

22840 7590 08/24/2006

GE HEALTHCARE BIO-SCIENCES CORP.  
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800 CENTENNIAL AVENUE  
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EXAMINER

THERKORN, ERNEST G

ART UNIT PAPER NUMBER

1723

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/723,362

Applicant(s)

JOHANSSON ET AL.

Examiner

Ernest G. Therkorn

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-21 is/are pending in the application.
- 4a) Of the above claim(s) 17-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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Claims 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. No support can be found for excluding additional elements. As such, "consisting essentially of" is considered to be new matter.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 16 are rejected under 35 U.S.C. 102(B) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Yasuda (Japan Patent No. 2-56253) in view of U.S. PTO Translation of Yasuda (Japan Patent No. 2-56253) No. 06-3389. The claims are considered to read on Yasuda (Japan Patent No. 2-56253) in view of U.S. PTO Translation of Yasuda (Japan Patent No. 2-56253) No. 06-3389. However, if a difference exists between the claims and Yasuda (Japan Patent No. 2-56253) in view of U.S. PTO Translation of Yasuda (Japan Patent No. 2-56253) No. 06-3389, it would reside in optimizing the elements of Yasuda (Japan Patent No. 2-56253).

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in view of U.S. PTO Translation of Yasuda (Japan Patent No. 2-56253) No. 06-3389. It would have been obvious to optimize the elements of Yasuda (Japan Patent No. 2-56253) in view of U.S. PTO Translation of Yasuda (Japan Patent No. 2-56253) No. 06-3389 to enhance separation.

The remarks appear to urge that Yasuda (Japan Patent No. 2-56253) in view of U.S. PTO Translation of Yasuda (Japan Patent No. 2-56253) No. 06-3389 is not hydrophilic. However, page 2, the fourth line of claim 1 and page 10, lines 6 and 7 of the translation indicates that Yasuda (Japan Patent No. 2-56253) in view of U.S. PTO Translation of Yasuda (Japan Patent No. 2-56253) No. 06-3389's matrix is hydrophilic.

The remarks urge that Yasuda (Japan Patent No. 2-56253) in view of U.S. PTO Translation of Yasuda (Japan Patent No. 2-56253) No. 06-3389's cations are hydrophobic. However, since the cationic portion is the recited ligand, the "consisting essentially" language is not considered to exclude cationic material. Additionally, it would not appear that any element in that Yasuda (Japan Patent No. 2-56253) in view of U.S. PTO Translation of Yasuda (Japan Patent No. 2-56253) No. 06-3389 destroys the cooperation between the elements listed in claim 16.

The remarks appear to urge that the recited ligand is not disclosed. However, the claims are considered to read on Yasuda (Japan Patent No. 2-56253) in view of U.S. PTO Translation of Yasuda (Japan Patent No. 2-56253) No. 06-3389 when general formula I on page 10 of the translation has L as page 12, line 5's hexylene group and R<sub>2</sub> as page 13, line 6's phenethyl group selected.

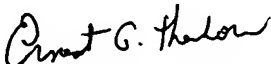
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**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to E. Therkorn at telephone number (571) 272-1149. The official fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Ernest G. Therkorn**  
**Primary Examiner**  
**Art Unit 1723**

EGT  
August 18, 2006